

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 18024

Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 18024
Email:jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC.³

Debtors.

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

Case No. BK-S-06-10725-LBR¹
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR²
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

STATUS AND AGENDA FOR JUNE 15, 2010 HEARING FILED BY USACM LIQUIDATING TRUST

Hearing Date: June 15, 2010

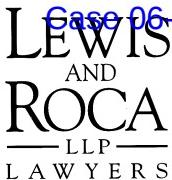
Hearing Time: 9:30 a.m.

Estimated Time of Hearing: One hour

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1 **1. Pretrial Conference** Adv: 08-01135-lbr USACM Liquidating Trust et al
2 v. Wells Fargo Bank, N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage
3 Company

4 **Filed:** 04/14/2010 Stipulation and Order Rescheduling Pretrial Conference Date/Time
5 and Enlarging Time to File Motions to Exclude Expert Testimony.
[279]

6 **Status**

7 **2. Motion to Exclude in Whole or in Part, Opinion Testimony of Colin**
8 **A. Johns:** Adv: 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank,
9 N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company

10 **Filed:** 05/14/2010 Motion to Exclude in Whole or in Part, Opinion Testimony of
11 Colin A. Johns filed by Dean V. Fleming on behalf of Wells Fargo
12 Bank, N.A. [302]

13 **Declaration:** 05/14/2010 Declaration Of: Dean V. Fleming in Support of Wells Fargo
14 Bank's Motion to Exclude, in Whole or In Part, Opinion
Testimony of Colin A. Johns [303]

15 **Response:** 06/01/2010 Response to Defendant's Motion to Exclude, in Whole or in Part,
16 Opinion Testimony of Colin A. Johns filed by Joshua J.
17 Bruckerhoff on behalf of USA Capital Diversified Trust Deed
Fund [320]

18 **Reply** 6/8/10 Reply to Plaintiff's Response to Defendant's Motion to Exclude in
19 Whole or in Part, Opinion Testimony of Colin A. Johns filed by
20 Dean V. Fleming [DE 324]

21 **Status**

1 **3. Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D:**
2 Adv. 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo Bank, N.A. (ap)
2 Lead case: 06-10725-lbr USA Commercial Mortgage Company

3 **Filed:** Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D
4 05/14/2010 filed by Joshua J. Bruckerhoff on behalf of USA Capital
5 Diversified Trust Deed Fund [306]

6 **Declaration:** Declaration Of: Joshua J. Bruckerhoff in Support of Plaintiff's
7 05/14/2010 Motion to Exclude the Expert Testimony of Andrew Safir, Ph.D
7 [307]

8 **Response:** Response to Plaintiff's Motion to Partially Exclude the Expert
9 06/01/2010 Testimony of Andrew Safir, Ph.D. filed by Dean V. Fleming on
9 behalf of Wells Fargo Bank, N.A. [318]

10 **Declaration:** Declaration Of: Andrew Safir, Ph.D. in Support of Defendant's
11 06/02/2010 Response to Plaintiff's Motion to Partially Exclude the Expert
12 Testimony of Andrew Safir, Ph.D [321]

13 **Reply** Reply to Defendant's Response to Plaintiff's Motion to Partially
14 6/8/10 Exclude the Expert Testimony of Andrew Safir, Ph.D. filed by
14 Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
15 Deed Fund [DE 325]

16 **Status**

Case 06-

**4. Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr.,
Ph.D filed by Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
Deed Fund, LLC: Adv. 08-01135-lbr USACM Liquidating Trust et al v. Wells Fargo
Bank, N.A. (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company**

Filed: Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr.,
05/14/2010 Ph.D filed by Joshua J. Bruckerhoff on behalf of USA Capital
Diversified Trust Deed Fund, LLC [308]

Declaration: Declaration Of: Joshua J. Bruckerhoff in Support of Plaintiff's Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr., Ph.D [309]
Date: 05/14/2010

Response: Response to Plaintiff's Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr., Ph.D. filed by Dean V. Fleming on behalf of Wells Fargo Bank, N.A. [315]
06/01/2010

Declaration: Declaration Of: H. Stephen Grace, Jr., Ph.D. in Support of Defendant's Response to Plaintiff's Motion to Exclude the Expert Testimony of H. Stephen Grace, Jr., Ph.D. [316]
06/01/2010

Declaration: Declaration Of: John E. Haupert in Support of Defendant's
06/01/2010 Response to Plaintiff's Motion to Exclude the Expert Testimony of
H. Stephen Grace, Jr., Ph.D.[317]

Reply
6/8/10 Reply to Defendant's Response to Plaintiff's Motion to Exclude
 the Expert Testimony of H. Stephen Grace, Jr., Ph.D. filed by
 Joshua J. Bruckerhoff on behalf of USA Capital Diversified Trust
 Deed Fund [DE 326]

Status

5. Status Hearing Re: First Amended Complaint: Adv. 08-01121-lbr
USACM Liquidating Trust v. Fertitta Enterprises, Inc. et al (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company

Filed: Status Hearing Re: First Amended Complaint [90]
04/22/2010

Filed: First Amended Complaint Filed by Michael Yoder on behalf of
08/29/2008 USACM Liquidating Trust against Fertitta Enterprises, Inc. [15]

Filed Stipulation and Proposed Order to Stay Proceedings [DE 92]
5/26/10

Filed Order on Stipulation to Stay Proceedings [DE 93]
5/27/10

Status Stipulation to Stay Proceeding until July 31, 2010 entered on May 27, 2010 [DE 93]

6. Status Hearing Re: Amended Complaint: Adv. 08-01066-lbr Debt Acquisition Company of America V, LLC v. Compass USA Spe, LLC et al (ap) Lead case: 06-10725-lbr USA Commercial Mortgage Company

Filed: Status Hearing Re: Amended Complaint [92]
05/11/2010

Filed: 09/22/2009 Complaint in Intervention filed by Dean T. Kirby Jr. on Behalf of Debt Acquisition Company of America V, LLC Against Compass Partners LLC, Compass USA Spe, LLC, Milbank, Tweed, Hadley & McCloy LLP, USACM Liquidating Trust [69]

Status Default has been entered [DE 91]. Plaintiff's Motion for Entry of Default Judgment as to Defendants Compass USA SPE LLC and Compass Partners, LLC was filed June 1, 2010 [DE 93] and a proposed form of judgment has been uploaded for the Court's consideration.

**7. First Omnibus Objection Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The Gramercy Court: 06-10725-lbr USA
Commercial Mortgage Company**

Filed: First Omnibus Objection Of USACM Trust To Proofs Of Claim

1 05/14/2010` Based Entirely Upon Investment In The Gramercy Court filed by
2 Rob Charles on behalf of USACM Liquidating Trust [8043]

3 Status No response filed. The USACM Trust will ask the Court to sustain the objection.

8. Second Omnibus Objection Of USACM Trust To Proofs Of Claim

Based Entirely Upon Investment In The Gramercy Court: 06-10725-lbr USA

Commercial Mortgage Company

Filed: Second Omnibus Objection Of USACM Trust To Proofs Of
05/14/2010 Claim Based Entirely Upon Investment In The Gramercy Court
filed by Rob Charles on behalf of USACM Liquidating Trust
[8044]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

9. First Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust: 06-10725-lbr USA Commercial Mortgage Company

Filed: First Omnibus Objection to Claim Based Entirely Upon
05/14/2010 Investment in the 60th Street Venture, LLC Loan filed by John
Hinderaker on behalf of USACM Liquidating Trust [8045]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

10. Second Omnibus Objection to Claim Based Entirely Upon Investment in the 60th Street Venture, LLC Loan filed by John Hinderaker on behalf of USACM Liquidating Trust: 06-10725-lbr USA Commercial Mortgage Company

Filed: Second Omnibus Objection to Claim Based Entirely Upon
05/14/2010 Investment in the 60th Street Venture, LLC Loan filed by John
Hinderaker on behalf of USACM Liquidating Trust [8046]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

1 **11. Third Omnibus Objection Of USACM Trust To Proofs of Claim**
2 **Based Entirely Upon Investment in the Gramercy Court Loan:** 06-10725-lbr, USA
3 Commercial Mortgage Company

4 **Filed:** Third Omnibus Objection Of USACM Trust To Proofs of Claim
5 05/14/2010 Based Entirely Upon Investment in the Gramercy Court Loan
6 filed by Rob Charles on behalf of USACM Liquidating Trust
7 [8049]

8 **Status** No response filed. The USACM Trust will ask the Court to
9 sustain the objection.

10 **12. Fourth Omnibus Objection Of USACM Trust To Proofs of Claim**
11 **Based Entirely Upon Investment in the Gramercy Court Loan :** 06-10725-lbr USA
12 Commercial Mortgage Company

13 **Filed:** Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
14 05/14/2010 Based Entirely Upon Investment in the Gramercy Court Loan
15 filed by Rob Charles on behalf of USACM Liquidating Trust
16 [8051]

17 **Status** No response filed. The USACM Trust will ask the Court to
18 sustain the objection.

19 **13. First Omnibus Objection Of USACM Trust To Proofs of Claim Based**
20 **In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
21 Commercial Mortgage Company

22 **Filed:** First Omnibus Objection Of USACM Trust To Proofs of Claim
23 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
24 by John Hinderaker on behalf of USACM Liquidating Trust
25 [8052]

26 **Status** No response filed. The USACM Trust will ask the Court to
27 sustain the objection.

1 **14. Second Omnibus Objection Of USACM Trust To Proofs of Claim**
2 **Based In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
3 Commercial Mortgage Company

4 **Filed:** Second Omnibus Objection Of USACM Trust To Proofs of Claim
5 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
6 by John Hinderaker on behalf of USACM Liquidating Trust [8053]

7 **Status** No response filed. The USACM Trust will ask the Court to sustain
8 the objection.

9 **15. Third Omnibus Objection Of USACM Trust To Proofs of Claim**
10 **Based In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
11 Commercial Mortgage Company

12 **Filed:** Third Omnibus Objection Of USACM Trust To Proofs of Claim
13 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
14 by John Hinderaker on behalf of USACM Liquidating Trust [8054]

15 **Status** No response filed. The USACM Trust will ask the Court to sustain
16 the objection.

17 **16. Fourth Omnibus Objection Of USACM Trust To Proofs of Claim**
18 **Based In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
19 Commercial Mortgage Company

20 **Filed:** Fourth Omnibus Objection Of USACM Trust To Proofs of Claim
21 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
22 by John Hinderaker on behalf of USACM Liquidating Trust [8056]

23 **Status** No response filed. The USACM Trust will ask the Court to sustain
24 the objection.

1 **17. Fifth Omnibus Objection Of USACM Trust To Proofs of Claim Based**
2 **In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
3 Commercial Mortgage Company

4 **Filed:** Fifth Omnibus Objection Of USACM Trust To Proofs of Claim
5 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
6 by John Hinderaker on behalf of USACM Liquidating Trust [8057]

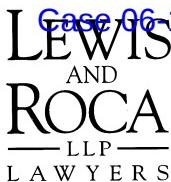
7 **Response:** Response of Mojave Canyon, Inc. to Fifth Omnibus Objection Of
8 05/28/2010 USACM Trust To Proofs of Claim Based In Part Upon Investment
9 in the Gramercy Court Loan [DE 8077]

10 **Status** Counsel for Mojave Canyon, Inc has clarified that Mojave
11 Canyon's only claims are for unremitted principal. Because there
12 is no unremitted principal associated with the Gramercy Court
13 loan, Mojave Canyon does not have a claim based upon the
14 Gramercy Court loan and counsel for Mojave Canyon will be
15 present at the hearing to confirm this. The USACM will request
16 that the Court sustain the objection.

17 **18. Sixth Omnibus Objection Of USACM Trust To Proofs of Claim Based**
18 **In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
19 Commercial Mortgage Company

20 **Filed:** Sixth Omnibus Objection Of USACM Trust To Proofs of Claim
21 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
22 by John Hinderaker on behalf of USACM Liquidating Trust [8060]

23 **Status** No response filed. The USACM Trust will ask the Court to sustain
24 the objection.



1 **19. Seventh Omnibus Objection Of USACM Trust To Proofs of Claim**
 2 **Based In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
 2 Commercial Mortgage Company

3 **Filed:** Seventh Omnibus Objection Of USACM Trust To Proofs of Claim
 4 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
 5 by John Hinderaker on behalf of USACM Liquidating Trust [8061]

6 **Status** No response filed. The USACM Trust will ask the Court to sustain
 7 the objection.

8 **20. Eighth Omnibus Objection Of USACM Trust To Proofs of Claim**
 9 **Based In Part Upon Investment in the Gramercy Court Loan:** 06-10725-lbr USA
 9 Commercial Mortgage Company

10 **Filed:** Eighth Omnibus Objection Of USACM Trust To Proofs of Claim
 11 05/14/2010 Based In Part Upon Investment in the Gramercy Court Loan filed
 12 by John Hinderaker on behalf of USACM Liquidating Trust [8062]

13 **Status** No response filed. The USACM Trust will ask the Court to sustain
 14 the objection.

15 **21. Motion to Approve Compromise under Rule 9019 with Anthony**
 16 **Monaco, Susan K. Monaco, And Monaco Diversified Corporation:** 06-10725-lbr
 16 USA Commercial Mortgage Company

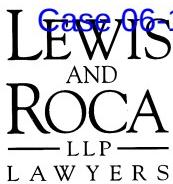
17 **Filed:** Motion to Approve Compromise under Rule 9019 with Anthony
 18 05/21/2010 Monaco, Susan K. Monaco, And Monaco Diversified Corporation
 19 with Certificate of Service filed by Michael Yoder on behalf of
 20 USACM Liquidating Trust [8071]

21 **Status** Counsel for the USACM Liquidating Trust is ready to proceed.

22 Dated June 10, 2010.

23 **LEWIS AND ROCA LLP**

25 By: /s/ John Hinderaker, AZ 18024
 25 Rob Charles, NV 6593
 26 John Hinderaker, AZ 18024 (*pro hac vice*)
 26 Attorneys for USACM Liquidating Trust



1 **PROOF OF SERVICE**

2 COPY of the aforementioned sent via e-
3 mail or U.S. First Class Mail postage
4 prepaid on June 10, 2010 to the parties
5 listed on Post-Effective Official Service
6 List for Limited Notice No. 5 Dated
7 March 31, 2009.

8
9
10
11 _____
12 /s/ Leilani Lista
13
14
15
16
17
18
19
20
21
22
23
24
25
26